IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27657 of 2007(P)

PETITIONER:

K.GOPALAKRISHNAN,
JUNIOR SUPERINTENDENT,
OFFICE OF THE CONSERVATOR OF FORESTS,
EASTERN CIRCLE, OLAVACODE, PALAKKAD.

BY ADV. SRI.N.SUGATHAN
SMT.VARSHA BHASKAR
SRI.S.PRASANTH (AYYAPPANKAVU)

RESPONDENTS:

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1. THE CHIEF CONSERVATOR OF FORESTS (ADMN.)
FOREST HEADQUARTERS, THIRUVANANTHAPURAM.

2. THE DEPARTMENTAL PROMOTION COMMITTEE
(LOWER), REPRESENTED BY THE CONVENER AND
CHIEF CONSERVATOR OF FOREST (ADMN.),
THIRUVANANTHAPURAM.

3. THE DIVISIONAL FOREST OFFICER,
NENMARA, PALAKKAD.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NO. 27657 OF 2007

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Dated this the 18th day of September, 2007.

JUDGMENT

The petitioner while working as Junior Superintendent was served with memo of charge Ext.P1 on 27.12.2004. He submitted Ext.P2 explanation to the same on 14.02.2005. The disciplinary action contemplated under Ext.P1 has not been finalised so far. In the meanwhile DPC(Lower), which was convened on 24.04.2007, prepared a select list for appointment as Senior Superintendent for the year 2007. The petitioner's case was not considered for the reason that disciplinary action, as evidenced by Ext.P1, is still pending. The petitioner submitted Ext.P3 representation requesting finalisation of the disciplinary action. This was not looked into. Subsequently Ext.P6 was also submitted before the 1st respondent. Ext.P7 was issued by the Chief Conservator of Forests(Admn) stating that in the matter of alleged loss caused to the Government referred to in Ext.P1 memo of charge, there are others also who are prima facie

considered to be liable for the said loss and therefore an apportionment of the loss is required. In the meanwhile, as evidenced by Ext.P5, the petitioner's juniors who were considered by DPC(Lower), and who came to be included in the select list came to be promoted. It is in these circumstances that the petitioner has approached this Court.

2. I heard learned counsel for the petitioner as also learned Government Pleader appearing on behalf of the respondent.

3. In Ext.P1 memo of charge issued on 27.12.2005, the allegations seems to be the delay incurred in taking appropriate steps to see that bank guarantee furnished by the owner of vehicle, which had been used for transit of sandal wood, was not renewed in time. Apparently, this resulted in loss of an amount of Rs.1 lakh to the Government. The allegations contained in Ext.P1, prima facie do not seem as if a very elaborate enquiry is contemplated. At any rate, the petitioner submitted an explanation Ext.P2 on 14.02.2005 and it is in the fitness of things that the disciplinary action contemplated under Ext.P1 be finalised within a time frame.

4. Accordingly, the writ petition is disposed of directing the 1st respondent to take appropriate steps to see that the disciplinary proceedings initiated under Ext.P1 is finalised, in accordance with law, within a period of four months from the date of receipt of a copy of this judgment. The claim for promotion made by the petitioner will be taken up by the appointing authority or by the Government after finalisation of the disciplinary proceedings and dealt with, of course, subject to the orders that may be passed on finalisation of the said disciplinary proceedings. No orders as to costs.

V. GIRI, JUDGE.

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